

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 11-20129

vs.

HON. ROBERT H. CLELAND

D-35 WAYNE RUSSELL WERTH,

Defendant.

_____ /

ORDER FOR PSYCHIATRIC OR PSYCHOLOGICAL
EXAMINATION OF DEFENDANT

This matter coming before the Court on the Court's own motion, joined in by the Government, the Court finds for the reasons stated on the record April 16, 2013, that there is reasonable cause to believe that defendant WAYNE RUSSELL WERTH may presently be suffering from a mental disease or defect rendering him mentally incompetent to stand trial, and mentally incompetent to conduct trial proceedings by himself, *pro se* . Accordingly, pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. §§4241-4247,

IT IS HEREBY ORDERED

That a psychiatrist or psychologist employed by the United States be appointed, authorized, and directed to examine the mental condition of defendant WAYNE RUSSELL WERTH, *see id.* §4241(a),(b), 4247(b);

That defendant submit to an evaluation within the Bureau of Prisons for such psychiatric or psychological examination;

That the examining psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) the defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him, to assist properly in his defense, and to conduct trial proceedings by himself, *pro se*, *see* 18 U.S.C. §4241(b), 4247(c);

That the examiner promptly file the written report with this Court and provide copies of the report to defense counsel and the attorney for the government, *see id.* §4247(c);

and

that the period beginning with the court's order for a competency evaluation on April 16, 2013 and ending with the conclusion of the competency hearing, *see id.* §4241(c), 4247(d), which will take place after the Court and parties have received the examiner's written report, be deemed excludable delay under the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(1)(F) and (h)(1)(A), and that the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on the defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. §3161(h)(1)(H).

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 23, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 23, 2013, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522